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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,950	12/31/1999	FRANK S. SAAVEDRA-LIM	E-833	7103
919	7590	10/07/2005	EXAMINER	
PITNEY BOWES INC. 35 WATerview DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			O'CONNOR, GERALD J	
		ART UNIT		PAPER NUMBER
		3627		
DATE MAILED: 10/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Communication Re: Appeal</b>	Application No.	Applicant(s)
	09/475,950	Saavedra-Lim
	Examiner	Art Unit
	O'Connor	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:
  - (a)  it was not timely filed.
  - (b)  the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
  - (c)  the appeal fee received on \_\_\_\_\_ was not timely filed.
  - (d)  the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$\_\_\_\_\_.
  - (e)  the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
  - (f)  a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.
  
2.  The appeal brief filed on \_\_\_\_\_ is NOT acceptable for the reason(s) indicated below:
  - (a)  the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
  - (b)  the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
  - (c)  the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$\_\_\_\_\_.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).
  
3.  The appeal in this application is DISMISSED because:
  - (a)  the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (b)  the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (c)  a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
  - (d)  other: The revised appeal brief timely submitted on July 31, 2003 is not fully responsive to the notice of defective appeal brief mailed July 11, 2003--See the attached detailed Office action.
  
4.  Because of the dismissal of the appeal, this application:
  - (a)  is abandoned because there are no allowed claims.
  - (b)  is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
  - (c)  is before the examiner for consideration.

## **DETAILED ACTION**

### ***Reply to Prior Office Action is Non-Responsive***

1. The reply timely filed on July 31, 2003 is not fully responsive to the prior Office action because it fails to overcome all of the defects identified in the Notification of Non-Compliance with 37 CFR 1.192(c) mailed on July 11, 2003. The previously identified defect(s) which continue to remain uncorrected are repeated in the notice of defective appeal brief below.

### ***Notice of Defective Appeal Brief***

2. The revised Appeal Brief, filed on July 31, 2003, remains defective for at least the following reasons:

I. The brief does not contain a correct statement of the status of all the claims, pending or cancelled, and identify the claims appealed as required by 37 CFR 1.192(c)(3).

3. Section III (Status of Claims) of appellant's brief fails to address/include any status for claim 8 as required. See MPEP § 1206, Appeal Brief Content, Item 3, Status of Claims.

***Dismissal of Appeal***

4. The following is a quotation (with emphasis added) of 37 CFR 1.192(d):

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and provided with a period of one month within which to file an amended brief. *If appellant does not file an amended brief during the one-month period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.*

5. Whereas a Notification of Non-Compliance with 37 CFR 1.192(c) was mailed to appellant on July 11, 2003; and whereas a timely amended brief was submitted by appellant on July 31, 2003 in reply to that notification, which amended brief does not overcome all the reasons for non-compliance stated in that notification and repeated hereinabove; now therefore, the appeal in this matter is hereby DISMISSED, in accordance with 37 CFR 1.192(d).

***Abandonment***

6. The following is a quotation of 37 CFR 1.135(a)-(b):

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

7. Whereas the period for reply to the prior Office action has now expired, and whereas the period for obtaining an extension of time to reply to the prior Office action has now expired, and whereas no complete and proper reply to the prior Office action has been received, this application is now therefore ABANDONED, in accordance with 37 CFR 1.135.

***Conclusion***

8. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is **(571) 273-6787**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Alexander Kalinowski, can be reached at **(571) 272-6771**.

Official replies to this Office action may be submitted by any **one** of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (571) 273-8300**. Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC

September 30, 2005

 9/30/05

Gerald J. O'Connor  
Primary Examiner  
Group Art Unit 3627